

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 10, 2010

DIVISION ONE

B210632 Kompany, LLC, (Not for Publication)
B213774 v.
 Israyelyan et al.

The judgment is reversed. The order awarding attorneys' fees is reversed.
Tenants are awarded their costs on appeal.

Chaney, J.

We concur: Mallano, P.J.
 Rothschild, J.

B211456 People (Not for Publication)
 v.
 Jones

The judgment is affirmed.

Johnson, J.

We concur: Mallano, P.J.
 Chaney, J.

February 10, 2010 (Continued)

DIVISION TWO

[illegible]

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

B206611 People (Not for Publication)
v.
Rabb

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
Doi Todd, J.

B215050 People (Not for Publication)
v.
Pineda

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
Chavez, J.

February 10, 2010 (Continued)

DIVISION TWO (continued)

[illegible]

The judgment of the probate court is affirmed. Respondents are entitled to costs on appeal.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
Chavez, J.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Zaida G. Clayton, Deputy Clerk.

Each of the following:

B206474 People v. Jose Luis Hernandez
B217353 DCFS v. M.S. and N.P.

Argument waived, cause submitted.

B212806 Elvan Price, Jr.
v.
Automobile Club of Southern California

Merits:
Argued by Payan Shahian for appellant and by Michael A. Hood for respondent. Cause submitted.

DIVISION THREE (continued)

B213148 Irsie Henry
 v.
 City of Los Angeles, et al.

Merits:
Argued by Marc J. Berger for appellant and by Gregory P. Orland, Deputy
City Attorney for respondents. Cause submitted.

B218905 In re Joyce Pettis
 on
 Habeas Corpus

Merits:
Argued by Laura D. Smolowe for petitioner and by Charles Chung, Deputy
Attorney General for respondent. Cause submitted.

B210894 Kimberly Kempton, et al.
 v.
 Ben Harris, et al.

Merits:
Argued by Charles G. Kinney for appellants and by Mathew J. Tostler,
William P. O'Kelly, Jay T. Plotkin for respondent and respondent Karen
Numme, in propria persona. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Zaida G. Clayton, Deputy
Clerk.

DIVISION THREE (continued)

Each of the following:

B220608 D.D. v. S.C.L.A. (DCFS)
B216225 DCFS v. G.H.
B214601 People v. Malcolm W.
B218086 In Re Garabet Tokhmanian on H.C.

Argument waived, cause submitted.

B208638 People
 v.
 Guy Sullivan Wilson

Merits:

Argument waived. Pursuant to this Court's order dated February 1, 2010, submission is deferred until April 9, 2010, pending additional ruling by the lower trial court.

B206881 Pacific Gas & Electric Company, et al.
 v.
 Arizona Electric Power Cooperative Inc.

Merits:

Argued by Laura Edelstein, Jay E. Smith and Robert Mockler for appellants and by Robert Rosenberg for respondent. Cause submitted.

B211925 Eileen Norwood
 v.
 The Rose Hills Company

Merits:

Argued by Greg May for appellant and by John M. Garrick for respondent. Cause submitted.

Court adjourned.

February 10, 2010 (Continued)

DIVISION FOUR

[illegible]

The judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Willhite, J.

[illegible]

The judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

B208392 People (Not for Publication)
v.
Fernandez

The trial court is directed to prepare and forward to the Department of Corrections and Rehabilitation an amended abstract of judgment reflecting that defendant Eduardo Fernandez is entitled to 654 days of credits. In all other respects, the judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

DIVISION FIVE

B211559 People (Not for Publication)
v.
Benjamin Gonzalez, et al.

The \$1,000 assessments under Penal Code section 1464 and Government Code section 76000 are reversed as to each defendant. As to Gomez, the abstract of judgment is ordered corrected to delete the two-year term for the gang enhancement and to reflect the stay of the enhancement imposed by the trial court. The award of presentence credits for Gonzalez, Spencer, and Gerson are corrected to reflect 671 days of actual custody, and Gomez shall be credited with 505 days of actual custody. The consecutive sentences imposed in Gonzalez's probation violation case, No. NA069374, are vacated, and the probation violation case is remanded for resentencing in accordance with Penal Code sections 1170 and 1170.1. In all other respects, the judgments are affirmed.

Turner, P.J.

We concur: Turner, P.J.
 Armstrong, J.

B211662 Robert Freedman, et al. (Not for Publication)
v.
Kenneth Roberts

The judgment is reversed. Appellant(s) to recover costs.

Kriegler, J. (Assigned)

We concur: Turner, P.J.
 Mosk, J.

DIVISION FIVE (continued)

B213083 Bridal Images, Inc., (Not for Publication)
 v.
 Truck Insurance Exchange

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

We concur: Armstrong, Acting P.J.
 Mosk, J.

B212411 Westci Contractors, Inc., (Not for Publication)
 v.
 John Z. Blazeovich

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J. (Assigned)

We concur: Armstrong, Acting P.J.
 Mosk, J.

February 10, 2010 (Continued)

DIVISION FIVE (continued)

1010709-10

The Honorable **WILLIAM R. WEISMAN**, Judge of the Superior Court of California, County of LOS ANGELES, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Five, as a justice thereof, on the following dates:

FEBRUARY 10, 2010 TO APRIL 16, 2010

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters. This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

February 4, 2010

Ronald M George
Chief Justice of California and
Chairperson of the Judicial

DIVISION SIX

Court convened at 1:30 p.m.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B211412 City of San Luis Obispo v. Hanson

Ordered off calendar.

Each of the following:

B211413 De Sitter v. Gedrick
B212972 Santa Barbara Beach Club v. Freeman

Argument continued to March, 2010.

DIVISION SIX (continued)

B217056 Child Welfare Services
 v.
 M.A.

Merits:

Argued by Toni Lorien, Deputy County Counsel, for respondent Child Welfare Services and by Carol Hubner for minors. Argument previously waived by appellant. Cause submitted.

B216819 Bray
 v.
 Dept. of Motor Vehicles

Merits:

Argued by Steve Pell for appellant. Respondent failed to appear. Cause submitted.

Gilbert, P.J. left the bench.

B215534 Marriage
 v.
 Dominguez

Merits:

Argued by Suzanne K. Biely for appellant and by John F. Hodges for respondent. Cause submitted.

Gilbert, P.J. returned to the bench.

B213873 Gaines
 v.
 Hubbard

Merits:

Argued by Matthew D. Kohn for appellant and by Steven D. Powell for respondents Hubbard, et al. Cause submitted.

Yegan, J. left the bench.

DIVISION SIX (continued)

B210020 Alvino
 v.
 Merlo

Merits:

Argued by Margaret A. Thurn for appellant and by Lindsay J. Michaelson
for respondents. Cause submitted.

Court adjourned at 3:20 p.m.

DIVISION EIGHT

B214506 Mary Guidry, et al., (Not for Publication)
 v.
 Willard S. Anthony

The judgment is affirmed. Respondents to recover their costs on appeal.

Rubin, J.

We concur: Bigelow, P.J.
 Lichtman, J. (Assigned)

February 10, 2010 (Continued)

DIVISION EIGHT (continued)

1010710-10

The Honorable **PETER D. LICHTMAN**, Judge of the Superior Court of California, County of LOS ANGELES, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Eight, as a justice thereof, on the following dates:

March 1,2010 to March 31,2010

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters. This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

February 4, 2010

Ronald M George
Chief Justice of California and
Chairperson of the Judicial